

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT
FOR THE 135th DISTRICT OF TEXAS
Wichita Falls DIVISION

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS	
FILED	
APR 11 2022	
CLERK, U.S. DISTRICT COURT	By: <u>JST</u>

Reginald Fritz BELL #01923613
Plaintiff's Name and ID Number

James Alred Unit
Place of Confinement

7-22CV-033-M
CASE NO. _____
(Clerk will assign the number)

v.

James Alred Unit (Warden Smith)
Defendant's Name and Address

Chalotte S. Richey Counsel Substitue
Defendant's Name and Address

Defendant's Name and Address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACKSIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at you prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or a initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from you inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE OF THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed any other lawsuit in state or federal court relating to your imprisonment? YES ☒ NO
- B. If your answer to "A" is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: NONE
 2. Parties to previous lawsuit:
Plaintiff(s) NONE
Defendant(s) NONE
 3. Court: (If federal, name the district; if state, name the county.) NONE
 4. Cause number: NONE
 5. Name of judge to whom case was assigned: NONE
 6. Disposition: (Was the case dismissed, appealed, still pending?) NONE
 7. Approximate date of disposition: NONE

II. PLACE OF PRESENT CONFINEMENT: James Allied Unit

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? ☒ YES ☐ NO
 Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Reginald Fritz Bell # 01923613
2101 E.M. 369 North Tawa Park, Texas 76367

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Warden Smith, Jimmy B; James Allied Unit of
TDCS 2101 E.M. 369 North Tawa Park, Texas 76367

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

His staff update my due process, in the grievance process and hearing

Defendant #2: Charlotte J. Richey Counsel Substitute James
Allied Unit 2101 E.M. 369 North Tawa Park, Texas 76367

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

didn't advocate on my behalf; offer punishment in my hearing

Defendant #3: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #4: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V.

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

on or around about November 16, 2021, on The James Alford Unit, My Counsel Substitue Charlotte J. Riches did violate my due process in my disciplinary hearing in Cases # 20220045205, 20220047523 in not (1) advocating on my behalf (2) by not contacting the charging officers (3) by not ensuring all due process was followed, and (4) by offering the punishment in my hearing on both cases, The warden Smith's Staff violated my due process in the grievance investigation and my disciplinary hearing by not being a Neutral Body in the due process.

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Grant me Relief because of the hearing I lost my parole which is causing Mental anger.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Reginald Bell; Reginald F. Bell

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

TX # 1923613

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): NONE

2. Case number: NONE

3. Approximate date sanctions were imposed: NONE

4. Have the sanctions been lifted or otherwise satisfied? YES ☐ NO ☐

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued.
(If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): NONE
2. Case number: NONE
3. Approximate date warning was issued: NONE

Executed on: 03-30-2022
DATE

Reginald Fritz Bell #1923613
Reginald Fritz Bell #1923613
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 30 day of March, 20 22.
(Day) (month) (year)

Reginald Fritz Bell #1923613
Reginald Fritz Bell #1923613
(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.



Texas Department of Criminal Justice

STEP 2

OFFENDER
GRIEVANCE FORM

Offender Name: Bell, Reginald TDCJ # 1923613
 Unit: James Allred Unit Housing Assignment: 7H-55B
 Unit where incident occurred: 4-Bldg E-Pod 3 Section 3 Row
Shower on the left

OFFICE USE ONLY

Grievance #: 2022034113
 UGI Recd Date: DEC 08 2021
 HQ Recd Date: DEC 09 2021
 Date Due: 01-07-22
 Grievance Code: 410
 Investigator ID#: 10742
 Extension Date: FEB 06 2022

MAR 25 2022

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

in my appeal of case number 2022045705 I argue that my
Constitutional and Statutory Rights were violated. My Counsel
Substitute do not act as an advocate but as the WFO as herself.
I requested that video footage be view to show that in fact I was
showering at the time of the accusation but was not performing
Rude acts. She stated that she did see someone showering at that
time but couldn't tell if they was doing anything Rude because the
video was Fuzzy and not clear but went on to say that she did see
more than she care to see. This statement confuse me because of
she saw more than she care to see then she should have seen whether
I was masturbating. She went on to say that she was leaning toward
the officer report being that I was confined I could not act on my
behalf so I was left with her as my Advocate before the WFO with
no protection. It was in my interest to protect my Right given to me
by Fourteenth amendment to go with her Recommendation to plead guilty with
no statement and to withdraw my Request for video footage Review. because
she stated that if I move forward that I would get max punishment.
I felt that my only Recourse of action is to appeal that my procedural
Right according to TDCJ Policy was violated. The policy states to
operate a swift and fair disciplinary process that embodies my
Constitutional and Statutory Rights. TDCJ Staff shall not order

Require, suggest, or in any manner, directly or indirectly, impose disciplinary quotas.

Offender Signature: Reginald BellDate: 12-08-2021

Grievance Response:

Major Disciplinary Case #20220045705 has been reviewed by the Central Grievance Office (CGO). All due process requirements were satisfied, and the punishment assessed by the Disciplinary Hearing Officer (DHO) was within agency guidelines. The disciplinary charge was appropriate for the offense and the guilty verdict was supported by a preponderance of the evidence, which included your guilty plea. No further action is warranted in this matter.

Signature Authority: J. BackDate: FEB 28 2022

Returned because: *Resubmit this form when corrections are made.

- ☒ 1. Grievable time period has expired.
- ☒ 2. Illegible/Incomprehensible.*
- ☒ 3. Originals not submitted.*
- ☒ 4. Inappropriate/Excessive attachments.*
- ☒ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☒ 6. Inappropriate.*

CGO Staff Signature: _____

OFFICE USE ONLY**Initial Submission**

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____



Page 8 of 14 Page 8
Grievance #: 2022034113
Date Received: NOV 29 2021
Date Due: DEC 29 2021
Grievance Code: 410
Investigator ID #: I-1456
Extension Date: _____
Date Retd to Offender: DEC 01 2021

OFFENDER
STEP 1 GRIEVANCE FORM

Offender Name: Bell, Reginald TDCJ # 1923613
Unit: James Allied Housing Assignment: 7H-55B
Unit where incident occurred: James Allied 4 Building E Pod
3 Section 3 Row left Shower 7H-55B

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? W/H When? _____
What was their response? _____
What action was taken? _____

Case # 20220045705

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate
I'm appealing case number 20220045705? Which occur on or about 11-06-2021 around 12:36 a.m. I was brought before the DHO on 11-16-2021 on a Code 20 Violation, which I was represented by Counsel Substitute's MS. Riches. It is TDCJ Policy that Inmate may not be subject to Coercion, which is a procedural right violation. I ask that Counsel Sub look at the video to show that I was not masturbating in public because the Counsel Sub role is to present the accused Offender's case and act as Offender's advocate, ~~and~~ MS. Riches during hearing didn't act like an advocate for Inmate but provide punishment to be consider by DHO which follow Recommendation. MS. Riches stated that she could not tell if I was masturbating because the Footage was blurry but could see me in the Shower, I am not ~~denied~~ deny that I was showering but I am not guilty of Masturbation. I pleaded guilty only because MS. Riches said that the only way that I will not lose time class was to plead guilty with no Statement and Waiver Video Footage. I'm asking that the Video Footage be view and that the accuser be question on the actual event. I felt I was in an position to argue my case during the hearing but must present it on appeal. Also the DHO only used the Investigation Report which was done by MS. Riches and the Officer's Report not my

Plead of guilty. I ask that the proper sentence be rendered in this case.

tion Requested to resolve your Complaint.

Case overturned

ender Signature:

evance Response:

Date: *11-28-2021*

The investigation of this grievance is complete. Disciplinary Case #20220045705 has been reviewed. The disciplinary charge was appropriate for the offense and the guilty verdict was supported by the preponderance of the evidence. All due process requirements were satisfied, and the punishment assessed by the Disciplinary Hearing Officer was within agency guidelines. No further action is warranted at this time.

T. Hooper, Asst. Warden

DEC 01 2021

ature Authority:

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. the reason for appeal on the Step 2 Form.

erred because: *Resubmit this form when the corrections are made.

- . Grievable time period has expired.
- . Submission in excess of 1 every 7 days. *
- . Originals not submitted. *
- . Inappropriate/Excessive attachments. *
- . No documented attempt at informal resolution. *
- . No requested relief is stated. *
- . Malicious use of vulgar, indecent, or physically threatening language. *
- . The issue presented is not grievable.
- . Redundant, Refer to grievance # _____
- . Illegible/Incomprehensible. *
- . Inappropriate. *

Printed Name/Signature: _____

ation of the screening criteria for this grievance is not expected to adversely affect the offender's health.

al Signature Authority: _____

Back (Revised 11-2010)

OFFICE USE ONLY

Initial Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

2nd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

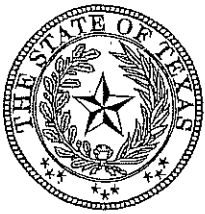
3rd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____



Texas Department of Criminal Justice

STEP 2

OFFENDER
GRIEVANCE FORM

Offender Name: Bell, Reginald TDCJ # 1923413
 Unit: James Allred Unit Housing Assignment: 7H-63 B
 Unit where incident occurred: 4 Building Building E pod
3 Section Day Room

OFFICE USE ONLY

Grievance #: 2022034099
 UGI Recd Date: DEC 08 2021
 HQ Recd Date: DEC 09 2021
 Date Due: 01-07-22
 Grievance Code: 410
 Investigator ID#: 10742
 Extension Date: FEB 06 2022

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

In my appeal of Case number 2022047523, because I felt that this was my only recourse of action due to Counsel Substituter not advocating on my behalf because she never spoke with Officers Dorkwich nor Sgt. Hunley, and I was unable to present my case due to confinement. Once again my Counsel Substituter quoted what my punishment was going to be. So I asked the appeal Committee to investigate and speak with Officer Dorkwich and Sgt. Hunley. Because in fact I don't threaten to inflict harm on Dorkwich it was part in our exchange.

Offender Signature: Reginald BellDate: 12-08-2021

Grievance Response:

Major Disciplinary Case #20220047523 has been reviewed by the Central Grievance Office (CGO). All due process requirements were satisfied, and the punishment assessed by the Disciplinary Hearing Officer (DHO) was within agency guidelines. The disciplinary charge was appropriate for the offense and the guilty verdict was supported by a preponderance of the evidence, which included your guilty plea. No further action is warranted in this matter.

Signature Authority: J. BackDate: FEB 28 2022

Returned because: *Resubmit this form when corrections are made:

- ☒ 1. Grievable time period has expired.
- ☒ 2. Illegible/Incomprehensible.*
- ☒ 3. Originals not submitted.*
- ☒ 4. Inappropriate/Excessive attachments.*
- ☒ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☒ 6. Inappropriate.*

CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____



OFFENDER
STEP 1 GRIEVANCE FORM

Bell, Reginald

Offender Name: Bell, Reginald TDCJ # 1923613

Unit: A11Red Housing Assignment: TH55B

Unit where incident occurred: James Allred Unit 4 Building
E-Pod Day Room TH55B

2022034099
Grievance #: NOV 29 2021
Date Received: DEC 29 2021
Date Due: 410
Grievance Code: I-1456
Investigator ID #: DEC 01 2021
Extension Date: DEC 01 2021
Date Retd to Offender:

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? RA When?

What was their response? Case # 20220047523

What action was taken?

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

I'm appealing case number 20220047523, Code 4.0
Threatening to inflict harm on officer Barkwah on the said
date. It was explained to Sgt. Hunley that I asked
officer Barkwah permission to shower and make a phone
call because I go to school during the day so I
was not able to shower during restriction hour, which
He gave me permission but when the last ~~shift~~ I was
out came officer Barkwah was on break, so I asked Sgt.
Owens to confirm that it will be OK, which He said
yes but officer Barkwah returned and was complaining
about He ran his pool. At no time did I threaten
officer Barkwah when I ask him about me threatening
him and He told me He didn't know what I said but
I should threaten him so I asked him to write and
for stating that. The Counsel Sub MS. Richie never
spoke to him, which is a violation of my procedural
right to have a Counsel Sub to advocate on my behalf.
I'm asking that the appeal committee to talk
to officer Barkwah about the misunderstanding to clear
up this matter. Also Sgt. Hunley about the offense.

tion Requested to resolve your Complaint.

Case overturned

Offender Signature:

Reginald Bell

Date: *11-28-2021*

Grievance Response:

The investigation of this grievance is complete. Disciplinary Case #20220047523 has been reviewed. The disciplinary charge was appropriate for the offense and the guilty verdict was supported by the preponderance of the evidence. All due process requirements were satisfied, and the punishment assessed by the Disciplinary Hearing Officer was within agency guidelines. No further action is warranted at this time.

T. Hooper, Asst. Warden

Signature Authority:

[Signature]

DEC 01 2021

Date:

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. The reason for appeal on the Step 2 Form.

Reasoned because: *Resubmit this form when the corrections are made.

- Grievable time period has expired.
- Submission in excess of 1 every 7 days. *
- Originals not submitted. *
- Inappropriate/Excessive attachments. *
- No documented attempt at informal resolution. *
- No requested relief is stated. *
- Malicious use of vulgar, indecent, or physically threatening language. *
- The issue presented is not grievable.
- Redundant, Refer to grievance # _____
- Illegible/Incomprehensible. *
- Inappropriate. *

Printed Name/Signature: _____
 cation of the screening criteria for this grievance is not expected to adversely
 the offender's health.

Signature Authority:

OFFICE USE ONLY

Initial Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

2nd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

3rd Submission UGI Initials: _____

Grievance #: _____

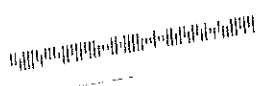
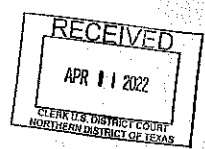
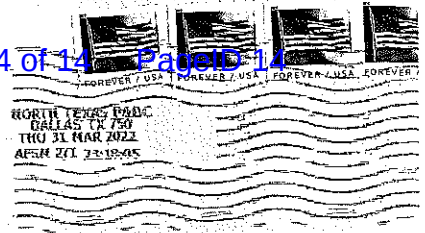
Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

7-26
01923613

2101 F.M. 369 North
Tabor Park, Texas 76367



U.S. District Clerk's Office
1000 Lamar St.
Suite 203
Wichita Falls, Texas 76301